

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

CRAIG PATRICK GILL,

ବିଜ୍ଞାନ ପରିଚୟ

Petitioner,

VS.

NO. 4:05-CV-145-A

DOUGLAS DRETKE, DIRECTOR,
TEXAS DEPARTMENT OF CRIMINAL
JUSTICE, CORRECTIONAL
INSTITUTIONS DIVISION,

Respondent.

O R D E R

Came on for consideration the above-captioned action wherein Craig Patrick Gill ("Gill") is petitioner and Douglas Dretke, Director, Texas Department of Criminal Justice, Correctional Institution Division, is respondent. This is a petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. On August 23, 2005, the United States Magistrate Judge issued his proposed findings, conclusions, and recommendation, and ordered that the parties file objections, if any, thereto by September 13, 2005. On September 14, 2005, Gill filed his written objections.¹ Respondent has not made any further response. In accordance with 28 U.S.C. § 636(b)(1) and Rule 72 of the Federal Rules of Civil Procedure, the court makes a de novo determination of those portions of the proposed findings or recommendations to which specific objection is

¹ Gill filed his objections beyond the magistrate judge's deadline but avers he mailed them on September 10, 2005. See Pet'r Objections at 7. Thus, the court concludes that the objections should be considered. See Thompson v. Raspberry, 993 F.2d 513, 515 (5th Cir. 1993).

made. United States v. Raddatz, 447 U.S. 667 (1980). The court is not addressing any nonspecific objections or any frivolous or conclusory objections. Battle v. United States Parole Comm'n, 834 F.2d 419, 421 (5th Cir. 1987).

After reviewing petitioner's objections, the court concludes that Gill has simply re-urged various of the grounds for relief as alleged in his petition for writ of habeas corpus. To the extent that Gill attempts to state specific objections, Gill fails, other than in conclusory fashion, to address the primary ground upon which the magistrate judge premised his recommendation, namely that all but one of Gill's claims is barred by the applicable statute of limitations. See 28 U.S.C. § 2244(d) (imposing one-year statute of limitations for filing a petition for federal habeas corpus relief); Kimbrell v. Cockrell, 311 F.3d 361, 363 (5th Cir. 2002) (statute of limitations of 28 U.S.C. § 2244(d) also applies to prison disciplinary proceeding). As far as Gill's remaining claim concerning the purported miscalculation of his sentence, Gill has yet again failed to point the court to any authority that a Texas inmate is entitled to credit for pretrial detention while released on bond as alleged.

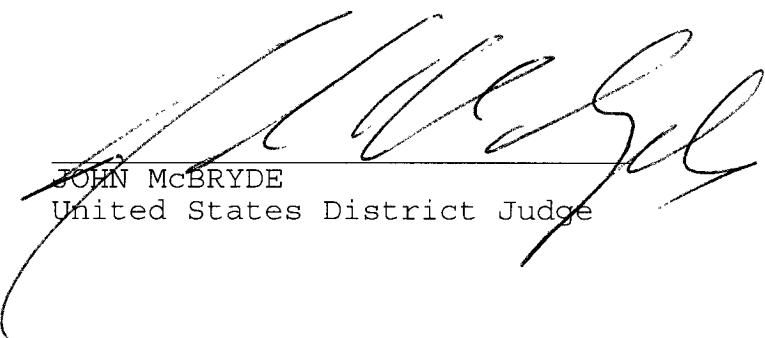
Therefore,

The court accepts the findings, conclusions and recommendation of the magistrate judge and ORDERS that the petition in this action be, and is hereby, dismissed with prejudice as time-barred as to grounds one through thirty-one and denied as to ground thirty-two.

In light of such ruling, the court further ORDERS that Gill's

motion for appointment of counsel for effective utilization of discovery process, which was filed on September 9, 2005, is denied as moot.

SIGNED October 25, 2005.


JOHN McBRYDE
United States District Judge